

MANDATE

Roseann B. MacKechnie
CLERK

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

ndny/alny
02-cv-1500
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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 21st day of July two thousand five.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

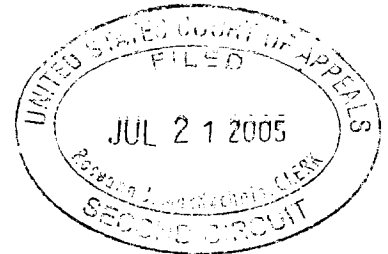
DAVID D. BACH,

Plaintiff-Appellant,

AUG 10 2005

LAWRENCE K. BAERMAN, CLERK
03-9123 ALBANY

v.



GEORGE PATAKI, in his official capacity as Governor of New York, ELIOT SPITZER, in his official capacity as Attorney General of New York, JAMES W. MCMAHON, in his official capacity as Superintendent, New York State Police and RICHARD BOCKELMANN, in his official capacity as Ulster County Sheriff,

Defendants-Appellees.

A petition for panel rehearing and a petition for rehearing en banc having been filed herein by the appellant David D. Bach. Upon consideration by the panel that decided the appeal, it is Ordered that said petition for rehearing is **DENIED**.

It is further noted that the petition for rehearing en banc has been transmitted to the judges for the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

For the Court:
FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by Arthur M. Heller
Arthur M. Heller, Motions Staff Attorney

A TRUE COPY
Roseann B. MacKechnie, CLERK

Julius Koehn
DEPUTY CLERK

ISSUED AS MANDATE: 8/4/05 -